

Mary Criqui  
25 Currier Place  
Cheshire, CT 06410

**STATE OF CONNECTICUT  
BOARD OF EXAMINERS FOR NURSING**

State of Connecticut  
Department of Public Health

vs.

Mary Criqui, RN  
Registered Nurse License No. R28893  
respondent.

CASE PETITION NO. 990219-010-011

MEMORANDUM OF DECISION

***Procedural Background***

The Board of Examiners for Nursing (hereinafter "the Board") was presented by the Department of Public Health (hereinafter "the Department") with a Statement of Charges and Motion for Summary Suspension dated April 12, 1999 (Dept. Exh. 1). The Statement of Charges alleged violations of certain provisions of Chapter 378 of the General Statutes of Connecticut by Mary Criqui (hereinafter "respondent") which would subject respondent's Registered Nurse License to disciplinary action pursuant to the General Statutes of Connecticut.

Based on the allegations in the Statement of Charges and the accompanying affidavits and reports, the Board found that the continued practice of nursing by respondent presented a clear and immediate danger to public health and safety. On April 21, 1999, the Board ordered, pursuant to its authority under §4-182(c) and §19a-17(c) of the General Statutes of Connecticut, that the Registered Nurse License of respondent be summarily suspended pending a final determination by the Board of the allegations contained in the Statement of Charges. (Dept. Exh. 1).

The Board issued a Notice of Hearing dated April 21, 1999, scheduling a hearing for May 5, 1999. (Dept. Exh. 1).

Respondent was provided notice of the hearing and charges against her. Department Exhibit 1 indicates that the Summary Suspension Order, Notice of Hearing, Statement of Charges and supporting documents were served on respondent by Deputy Sheriff on April 29, 1999.

The hearing took place on May 5, 1999, in the Town Council Chambers, Wethersfield Town Hall, 505 Silas Deane Highway, Wethersfield, Connecticut.

Respondent was present during the hearing and was represented by counsel. Tr., May 5, 1999, p. 2.

Respondent orally answered the Statement of Charges. Tr., May 5, 1999, pp. 6-7.

Each member of the Board involved in this decision attests that he/she was present at the hearing or has reviewed the record, and that this decision is based entirely on the record, the law, and the Board's specialized professional knowledge in evaluating the evidence.

#### *Findings of Fact*

Based on the testimony given and the exhibits offered into evidence, the Board makes the following Findings of Fact:

1. Respondent was issued Registered Nurse License Number R28893 on October 1, 1976. Respondent was the holder of said license at all times referenced in the Statement of Charges. Dept. Exh. 1-B.
2. Pursuant to a Memorandum of Decision dated December 3, 1997, respondent's Registered Nurse License was placed on probation for a period of two years effective December 15, 1997. In addition, respondent was assessed a civil penalty in the amount of five hundred dollars (\$500.00) which was payable on or before December 1, 1998. Said Order was based on respondent's conduct of documenting false information in a patient's medical record. Dept. Exh. 1-C.
3. The Memorandum of Decision provided that the Board shall pre-approve respondent's employment as a nurse; that respondent shall cause evaluation reports to be submitted to the Board by her immediate supervisor if respondent was working in a paid or non-paid nursing position and that respondent shall provide a copy of the December 3, 1997 Memorandum of Decision to her employer. Dept. Exh. 1-C.
4. On April 27, 1998, respondent began employment as registered nurse at Elmcrest Hospital in Portland, Connecticut without first obtaining approval from the Board. Dept. Exh. 1-C, pp. 1, 17-22.

5. Respondent did not provide a copy of the December 3, 1997 Memorandum of Decision to her employer until January 28, 1999. Dept. Exh. 1-C, p. 22. Rt. Exh. C.
6. The civil penalty in the amount of five hundred dollars (\$500.00) which was payable on or before December 1, 1998, was not paid by respondent until on or about December 26, 1998. Dept. Exh. 1-C, p. 13

### ***Conclusions of Law and Discussion***

In consideration of the above Findings of Fact, the following conclusions are rendered:

Mary Criqui held a valid Registered Nurse License in the State of Connecticut at all times referenced in the Statement of Charges.

The Notice of Hearing and Statement of Charges provided sufficient legal notice as mandated by the General Statutes of Connecticut §4-177(a) and (b), and §4-182(c). The hearing was held in accordance with Chapters 54 and 368a of the General Statutes of Connecticut as well as §19a-9-1 through §19a-9-29 of the Regulations of Connecticut State Agencies.

The Notice of Hearing, Statement of Charges and the hearing process provided respondent with the opportunity to demonstrate compliance with all lawful requirements for the retention of her license as required by the General Statutes of Connecticut §4-182(c).

The Department bears the burden of proof by a preponderance of the evidence in this matter.

PARAGRAPH 2 of the Statement of Charges alleges that respondent violated the terms of a Memorandum of Decision dated December 3, 1997 in that:

- a. Respondent obtained employment at Elmcrest without seeking the Board's pre-approval, worked at Elmcrest for approximately nine months before she disclosed the Memorandum of Decision to her employer, and did not provide reports to the Board from her employer.
- b. Respondent did not pay her civil penalty until nearly a month after the ordered deadline.

Respondent admits these charges. Tr., May 5, 1999, pp. 6-7

Based on its findings and respondent's admissions, the Board concludes that respondent's conduct as alleged in Paragraph 2 of the Statement of Charges is proven by a preponderance of the evidence presented.

Respondent testified that she was not aware of the conditions set forth in the Memorandum of Decision and that she had not read the Memorandum of Decision until at least December 1998, despite notifications from the Department of Public Health making reference to the conditions of probation. (Dept. Exhs. 1-D and 4; Tr., May 5, 1999, pp. 12-15). The Board does not find respondent's testimony to be credible.

The Board concludes that respondent's conduct as specified in the Statement of Charges constitutes a violation of the probation of her registered nurse license as set forth in the Memorandum of Decision dated December 3, 1997. Therefore, respondent's registered nurse license is subject to disciplinary action pursuant to §19a-17 of the General Statutes of Connecticut.

#### *Order*

Pursuant to its authority under §19a-17 and §20-99 of the General Statutes of Connecticut, the Board of Examiners for Nursing hereby orders the following:

That for Paragraph 2 of the Statement of Charges, respondent's Registered Nurse License, No. R28893, is revoked effective the date this Memorandum of Decision is signed by the Board of Examiners for Nursing.

The Board of Examiners for Nursing hereby informs respondent, Mary Criqui, and the Department of Public Health of the State of Connecticut of this decision.

Dated at Hartford, Connecticut this 18th day of August, 1999.

BOARD OF EXAMINERS FOR NURSING

By 